

**2012 COMMERCIAL FISHING REGULATIONS FOR
LAKE HELENA
DRAFT**

These regulations, adopted by the FWP Commission on March 8, 2012 will be in effect from March 9, 2012 through December 31, 2012 for: Tracy Fortner.

LAKE HELENA

I. FISHING AREAS AND SEASON

The regulations provide for the harvest of carp with seines operated in specific parts of Lake Helena with the following restrictions:

- a. Lake Helena. The lake is open to fishing January 1 through October 31 and the following restrictions apply:

During the period January 1 through June 30:

The setting and anchoring of seines along the **west shore** (Township 11 North, Range 3 West, Sections 22, 26 and 27) must be restricted to specific sites as indicated on the attached map. Fishermen are not allowed to go ashore at site 2 (immediately north of the nesting structures) or at site 3 (gravel bar at the mouth of Ten Mile Creek).

Seines, boats or other equipment must not be beached, anchored or otherwise be imposed on the west shore except at the indicated sites on the attached map.

No commercial fishing will be conducted on weekends or Holidays. Only weekday activity will be permitted in order to minimize any conflict with recreational users.

Commercial fishing will be permitted during daylight hours only.

II. OTHER RESTRICTIONS

- a. Fishing activity should be conducted in a manner that minimizes disturbance of waterfowl and avoids western grebes. Incidental catch of birds must be reported monthly to FWP.
- b. Permittee must file a monthly operations schedule with the Department prior to any fishing for the month.
- c. A Department representative will be allowed to accompany the fisherman at any time to observe or to collect biological data or to evaluate disturbance to wildlife (i.e. waterfowl and shore birds).
- d. A summary of fishing activities and catch are to be submitted on forms provided by the Department. The report should indicate the dates and locations of fishing efforts.

- e. Landing and loading of boats, gear (nets, pens, cages) and fish will only be done at sites determined and authorized by private landowners or allowed by State statutes.
- f. All fish captured other than carp must be returned alive to the water immediately. The permittee must document and account for in reports: all fish species caught and/or handled daily, including final disposition (caught, released, released alive, released dead, etc.).
- g. Any non-carp fish mortalities need to be cut in half (down through the center of the back and belly), including the air bladder, then the carcass halves deposited in the water to sink to the bottom out of public sight. This is consistent with ARM (Administrative Rules of Montana) 12.7.105 that requires that all non-target dead fish from commercial fishing operations be cut and sunk.
- h. Only common carp (*Cyprinus carpio*) may be removed from Lake Helena. All carp must be packed for shipment only on ice or dry, but not in water, no live hauling is allowed.
- i. Under 87-4-609 MCA, FWP has the authority to give and condition permits for the commercial taking of aquatic fish food species. If the conditions, restrictions or terms of the permit are violated or, if over-harvest or conflict with recreational use of the waters occurs, FWP may require the suspension of operations or revoke the permit.
- j. While game fish by-catch is anticipated to be low, permittee will be required to stop fishing with 48 hours notice if stress to and/or mortality of non-carp species is excessive. Daily catches which exceed 5% game fish or 10% non-game fish other than carp will constitute grounds for suspension of operations, as will a cumulative mortality of more than 100 game fish (yellow perch, burbot, walleye, trout, kokanee salmon or whitefish). Percentages will be calculated based on numbers of fish netted.
- k. ARM 12.7.101 requires a permittee who receives approval to post a \$1000 corporate surety bond in favor of the State of Montana and conditioned on the faithful carrying out of the provisions of the application and permit.
- l. All processing waste must be disposed of in an approved landfill in accordance with appropriate Montana statutes and codes. No waste may be dumped in or near Lake Helena.
- m. Only one commercial operator is allowed on each waterbody unless additional harvest would be beneficial (ARM 12.7.102). Additional permits may be considered for 2013 on this waterbody if progress toward harvesting the desired number of carp through this permit is not met.